

**Clark Fork Settlement Agreement
FINAL Management Committee Meeting Minutes
Edgewater Resort–Sandpoint, ID
March 13, 2018**

Management Committee Representatives in Attendance

Avista Corporation: Nate Hall
Cabinet Resource Group: Jim Nash
Confederated Salish and Kootenai Tribes: Les Evarts
Idaho Dept. of Environmental Quality (Idaho DEQ): Tom Herron
Idaho Dept. of Fish and Game (IDFG): Andy Dux (alternate)
Kalispel Tribe: Joe Maroney
Montana Department of Environmental Quality: Jason Garber
Montana Fish, Wildlife and Parks (MFWP): Jim Williams
Noxon-Cabinet Shoreline Coalition: Rick Robinson
Panhandle Chapter Trout Unlimited: Loren Albright
Sanders County Commissioners: Tony Cox
U.S. Fish and Wildlife Service (USFWS): Ben Conard
U.S. Forest Service (USFS): John Gubel

Interested Parties

Avista: Shana Bernall, Heide Evans, Bruce Howard, Paul Kusnierz, Sean Moran, Eric Oldenburg, Jason Pignanelli, Patty Shea, Lisa Vollertsen and David Vowels; Avista Grant Writer: Susan Drumheller; Idaho DEQ: Bob Steed (departed at 9:45am); Idaho Dept. of Fish and Game: Ken Bouwens and Matt Corsi;; Kaniksu Land Trust: Regan Plumb; Lower Clark Fork Watershed Group: Brita Olson; Montana Fish, Wildlife and Parks: Lee Anderson, Jason Blakney, Mike Hensler, Ryan Kreiner, Amber Steed, and Dillon Tabish; U.S. Fish and Wildlife Service: Kevin Aceituno and Marshall Williams; Jacobs Engineering-Environmental: Diane Williams (departed at 1:00pm)

Welcome and Introductions

Hall welcomed everyone to the 48th Management Committee (MC) meeting at 9:05 am, the first of two required in 2018. Hall invited everyone to introduce themselves and a quorum was recognized. Heide Evans informed MC members to fulfill (in part) requirements of Paragraph 33 of the Clark Fork Settlement Agreement (CFSA) requires parties to designate representatives to the Water and Terrestrial Resource Technical Advisory committees (WRTAC and TRTAC) in writing on an annual basis. The sign-in sheet is used to verify attendance and to accomplish these tasks, please locate your name, make any necessary corrections, and initial. If your contact information changes between meetings, please notify Avista as quickly as possible. Hall and Evans noted that MC correspondences are electronic and if a paper copy was needed to contact one of them.

Meeting Etiquette

Hall explained the meeting etiquette, formal decision-making process, and the 30 minute rule. The MC will be approving a number of Annual Implementation Plans (AIPs) and the group strives to seek consensus approval. If a vote is needed the procedures will be reviewed at that

time. The language for the approval of AIP's was displayed on the screen for all MC members to view prior to voting.

Final Agenda Review and Approval

Hall reviewed the meeting agenda and reminded members that several informational packets were sent out prior to this meeting. There were no additions or changes to the meeting agenda.

FERC Action Summary

Evans explained that Paragraph 30 of the CFSA requires Avista to keep the MC informed of license compliance items. Since the September MC meeting four letters were received from FERC. On December 18, Avista received a letter from FERC acknowledging resolution of the Cabinet Gorge Dam fishway operational funding issue and noting that no further progress reports regarding funding are required. Also on December 18, Avista received a FERC Order amending minimum flow pursuant to Article 429. On January 22 Avista received a FERC order accepting License Amendment application for filing, soliciting motions to intervene and protests, comments, recommendations, terms and conditions and Fishway prescriptions, and on March 1 a FERC order was received approving Exhibit F showing modifications to Cabinet Gorge Dam spillways.

Consent Mail Package Update

- Project Evaluation and Ranking Criteria (Appendix A, B and F5)
 - Sent to MC on 12/4/2017 and approved on 1/5/2018.
- Lake Pend Oreille Tributary Creel (Appendix F5)
 - Sent to MC on 12/20/2017 and approved on 1/8/2018.

Draft 2017 Clark Fork Annual Report

Hall noted the draft 2017 Annual Report was mailed to the MC on February 12, 2018. Management Committee members have until March 15, 2018 to comment on the draft Annual Report. Keep in mind when submitting formal comments that they will be shared with others and will be included in the FERC filing. The Annual Report is placed on the agenda to allow MC members the opportunity to discuss the report and approve the budget sheet. Hall asked the group if they were comfortable with the level of detail presented in the Annual Report and there was agreement that the level of detail was sufficient.

The MC members reviewed the budget sheet and Hall requested approval of the 2017 Annual Report budget sheet showing the amounts spent on implementation in 2017.

The budget sheet showing amounts spent on implementation in 2017 was approved by consensus as written.

Grant Writer Report

Drumheller provided an update on grants. She described a grant that was received and will be used to fund maintenance and signage along the new section of the Thompson Falls trail. The theme for signs is the "Clark Fork River as a travel corridor" and will feature ways of transportation on the water. She has also received a few small grants for the Trout and About Festival, and is working with Tom Whalen to obtain grant money for art on the side of the

Panida Theater. There are additional grants that are pending including \$3,000 for the lower Clark Fork watershed group to do outreach, and \$15,000 from DNRC for aquatic invasive species control. This summer she will be working on grants for Crow Creek and other stream restoration projects. Hall described the history of the grant writer position and noted how this position helps find opportunities to leverage money to do good things outside of the current program.

A MC member noted the Recovering America's Wildlife Act is being reintroduced to the legislature and if approved would be funded by offshore oil and gas programs and could provide additional funding to match Avista dollars spent in Idaho and Montana.

Kaniksu Land Trust Update

Plumb provided an update on the Kaniksu Land Trust (KLT). Plumb and others are working hard to reengage the next generation with their environment and have logged over 300 hrs. working with students. A few of the programs they have been implementing include: wild crafting with the after school program, connecting kids to nature through a summer camp that includes a scholarship program supported by grants and working to expand the education program into Sander's County. The KLT is also actively campaigning for the purchase of 160 acres located west of Sandpoint (the cost is 2.1 million dollars and 1.7 million dollars has been raised to date). Other efforts include a 35-acre donated easement on Spring Creek and work to develop a timber frame shelter and trails on Judy's property. The KLT is accepting the transfer of a conservation servitude from Stein (property located on the East Fork Bull River) and negotiating an additional 86-acre easement on land that Stein purchased last year on the East Fork Bull River.

Cultural Resource Management Group (CRMG) Update

Appendix R: Clark Fork Heritage Resource Program

Vollertsen gave an update on Appendix R and noted that the CRMG meeting was rescheduled for March 21st due to weather issues.

The AIP for Appendix R was approved by consensus as written.

Water Resources Technical Advisory Committee Update

Oldenburg provided an update on aquatic AIPs, and in the interest of time, only highlighted new projects and continuing projects with meaningful changes. He also noted that the new ranking criteria was used this winter and the WRTAC provided ranking sheets for the appropriate project plans.

Appendix A: Idaho Tributary Habitat Acquisition and Fishery Enhancement Program

Oldenburg noted that there are two funds within Appendix A ("Tributary Habitat Acquisition and Enhancement" and "Fish Resource Monitoring, Enhancement, and Management"). Similar to last year, the proposed budget for the "Fish Resource Monitoring, Enhancement and Management" project plan exceeds the annual contribution. Therefore, a request was made to the MC for a one-time transfer of \$71,258 from the "Tributary Habitat Acquisition and Enhancement" fund to the "Fish Resource Monitoring, Enhancement, and Management" fund for 2018. Interested parties will determine a long-term solution to this funding problem during 2018 that will be part of the 2019 AIPs.

Oldenburg discussed six of the 13 project plans proposed under Appendix A including:

Tributary Habitat Acquisition and Enhancement

1. Habitat Restoration and Acquired Property Maintenance and Monitoring Allocation
2. Lightning Creek Rootwad Salvage
 - a. The WRTAC did not rank this project because it did not fit the ranking criteria; future proposed projects that use these materials will be ranked.
3. Habitat Prioritization Evaluation for Trestle Creek
4. Habitat Prioritization Evaluation for Caribou and Hellroaring Creeks
5. Idaho Field Station Planning

Fish Resource Monitoring, Enhancement, and Management

6. Fish Resource Monitoring, Enhancement, and Management Plan

The AIP for Appendix A was approved by consensus including the transfer of \$71,258 from the “Tributary Habitat Acquisition and Enhancement” fund to the “Fish Resource Monitoring, Enhancement, and Management” fund.

Appendix B: Montana Tributary Habitat Acquisition and Recreational Fishery Enhancement Program

Oldenburg discussed nine of the 25 project plans under Appendix B that were either new or continuing projects with significant changes. He also noted that subsequent to the WRTAC meeting, Avista pulled the Montana Mussel Response Proposal from the process due to MFWP and USFWS indicating they would not support the proposal.

Tributary Habitat Acquisition and Enhancement

1. Stream Gage Monitoring
2. Lolo National Forest Priority Native Salmonid Habitat Restoration Assessment and Planning
3. Graves Creek Pilot Habitat Enhancement Project
4. Lower Clark Fork Watershed Group Project Coordination
5. Clark Fork River Westslope Cutthroat Trout Experimental Transport Program
6. Crow Creek Restoration Design

Recreational Fishery Enhancement

7. Managing Aquatic Invasive Plants on Noxon and Cabinet Gorge Reservoirs
8. Thompson Falls Field Station Facility Feasibility Study
9. Lower Bull River Day Use Boat Access Plan and Final Design

Oldenburg also noted that funding for the installation of a Passive Integrated Transponder (PIT) array in Prospect Creek in collaboration with NorthWestern Energy was part of the 2018 Appendix B AIP.

The AIP for Appendix B was approved by consensus as written.

Appendix C: Fish Passage/Native Salmonid Restoration Plan

1. Native Salmonid Restoration Plan Five-Year Plan

2. Upstream Fish Passage Program
3. Fish Capture Facilities Operation, Development and Testing
 - Hall provided an update on the Cabinet Gorge Dam Fishway (CGDF).
 - Following the approval of the CFSA amendment in September, Avista filed a License Amendment with FERC for construction and operation of the CGDF in November.
 - FERC sent out a 60-day public notice for comments on the License Amendment which will close in late March.
 - FERC made an inquiry for additional information related to the updated design, information on coordination with ID and MT DEQs regarding 401 water quality certifications and requesting documentation that Avista consulted with the MT and ID SHPO. Avista is providing a response and the appropriate documentation.
 - 100% design for the CGDF will be finalized by the end of the month.
 - USFWS provided comments to FERC on the Biological Evaluation (BE) and Avista has reviewed these comments and will provide comments back to FERC in the next week.
 - Next steps include: decision on how to bid and contract the CGDF; depending on contractor and permitting could begin construction this fall; FERC has until November to provide License Amendment; and anticipate construction taking up to three years.
 - Robinson asked if the \$5 million budgeted for 2018 would cover the cost of the CGDF. Hall responded that the \$5 million would only cover costs for this year if the contractor mobilized on the site and begins construction on the cofferdam.
4. Tributary Trapping and Downstream Juvenile Bull Trout Transport Program
 - Oldenburg noted that all Montana programs will be switching to the use of Full Duplex (FDX) PIT tags, and Idaho will continue to use Half Duplex (HDX) due to array capabilities.
5. Bull Trout Emigration Study
6. Fish Abundance Monitoring
7. Non-Native Fish Suppression Project in the East Fork Bull River

The AIP for Appendix C was approved by consensus as written.

Appendix D: Bull Trout Protection and Public Education Project

Oldenburg noted that the annual funding request under Appendix D is exceeding the annual allocation and there are no carryover dollars. This year, following the original submission of project plans, some of the implementers found ways to trim their budgets to keep Appendix D within the available budget. Avista will be working with the implementers and interested parties to figure out how to handle prioritization in future year. The existence of the Bull Trout Protection and Public Education Five-Year Plan was discussed as it guides the projects that are implemented.

The AIP for Appendix D was approved by consensus as written.

Appendix E: Watershed Councils Program

1. Pack River Watershed Council, Bonner Soil and Water Conservation District
2. Lower Clark Fork Watershed Council Projects

The AIP for Appendix E was approved by consensus as written.

Appendix F1: Clark Fork River Water Quality Monitoring Program

The AIP for Appendix F1 was approved by consensus as written.

Appendix F2: Monitoring of Noxon Reservoir Stratification and Mobilization of Sediment Nutrients/Metals

The AIP for Appendix F2 was approved by consensus as written.

Appendix F3: Aquatic Organism Tissue Analysis

The AIP for Appendix F3 was approved by consensus as written.

Appendix F4: Water Quality Protection and Monitoring Plan for Maintenance, Construction, and Emergency Activities

The AIP for Appendix F4 was approved by consensus as written.

Appendix F5: Dissolved Gas Supersaturation Control, Mitigation, and Monitoring

Operations and GSCP Alternative

Kusnierz provided an update on the modified spillways. Modifications to spillways 1 and 3 were completed in October; therefore, spill protocols have been changed to include the modified gates, and the plan is to test these spillways in the spring. This may result in future modifications to the protocols and discussions on the modification to additional gates and the GSCP alternative will be dependent on the results of these tests.

TDG Monitoring

TDG Mitigation and Monitoring Program

Oldenburg discussed seven of the 12 project plans under this component.

1. Analysis of Gas Bubble Disease Monitoring Data
2. Lake Pend Oreille Stock Identification of Bull Trout
3. Lake Pend Oreille/Clark Fork River Walleye Population Assessment
 - a. Changes were proposed following WRTAC review of this project. Corsi noted IDFG convened with experts at the Idaho Walleye summit to provide guidance on the program. The original plan was to conduct a mark recapture to get a better understanding of the population abundance. The experts believed it would be more useful to try fishing for the Walleye while the population is in early stages

- of exponential growth. The new proposed plan continues to use the same gill netting that was contemplated in the original project plan, but Walleye will be removed instead of marked and released. IDFG will collect data from these fish to learn more about the population. The other change is instead of fall Walleye index netting IDFG will use the fall netting to collect Walleye for radio tagging.
- b. Questions arose including the use of Trojan YY chromosome fish. Corsi noted that the use of these YY chromosome fish may be contemplated in the future.
 - c. Oldenburg asked if the MC was comfortable that they had enough time/information to seek consensus on the updated project plan and they all said yes.
4. Lake Pend Oreille Angler Incentive Program
 - a. Oldenburg noted a minor change that was recommended at the WRTAC, but did not get integrated prior to the MC mail out. The change is to task 5 where the goal is to support seven derbies rather than five to incentivize and maintain Lake Trout categories. The additional two derbies will require an increase of \$4,000 in the budget and will be part of the budget we are seeking consensus approval on at today's meeting.
 5. Lake Pend Oreille Trap and Gill Net Program
 6. Box Canyon Reservoir Northern Pike Suppression
 7. Lake Pend Oreille Tributary Creel
 - a. The MC approved this project by consent mail in January which is to conduct a creel survey for Pack River, Grouse Creek, Lightning Creek, Clark Fork River, and Twin Creek.
 - b. Once the crew started implementing in early February they realized the budget had been underestimated with regard to labor as well as vehicle and fuel costs.
 - c. This project plan was added to the MC mail out packet since there was an additional budget request (this was not vetted through the WRTAC).

The AIP for Appendix F5 was approved by consensus including modifications to the Lake Pend Oreille/Clark Fork River Walleye Population Assessment and additional \$4,000 for the Lake Pend Oreille Angler Incentive Program.

Appendix T: Project Operations Package

Oldenburg noted to the group that the new minimum flow has been in effect for a couple of months, but Unit 1 which is Avista's low flow unit has been down since that time. This Unit came back on line last week and we will start seeing occasional flows at the new minimum flow of 3,000 cfs.

1. Project Operations and Coordination
2. Priest River Coldwater Bypass Preliminary Design
 - a. Herron asked if a water quality analysis had been conducted for this project. Dux responded that the proposed project is a feasibility study and will include a scoping process that will help determine knowledge gaps.
3. Cabinet Gorge Fish Hatchery Spring Collection System Upgrade

The AIP for Appendix T was approved by consensus as written.

Terrestrial Resources Technical Advisory Committee Update

Appendix G: Implementation of the Land Use Management Plan (LUMP)

Hall provided an overview of the Project Plans.

1. Administration of the Land Use Management Plan (LUMP)
 - a. Hall referred to the handout he had passed out to the group with a change of scope to this project plan. The refined tasks and budget request are based on a management goal of providing access and preventing the upstream spread of Aquatic Invasive Plants. These changes were not reviewed by the TRTAC.
 - b. The group discussed the changes and agreed they were comfortable with adding these changes to today's approval of the Appendix G AIP.
2. Monitoring Associated with the Land Use Management Plan (LUMP)
3. Enforcement Associated with the Land Use Management Plan (LUMP)

The AIP for Appendix G was approved by consensus including modifications to the Aquatic Invasive Plant proposal.

Appendix H: Implementation of the Recreation Resource Management Plan (RRMP)

Hall provided an overview of the Project Plans.

1. RRMP Administration and Resource Integration
2. RRMP Recreation Facility Development
3. RRMP Monitoring
4. Operation and Maintenance of recreation facilities
5. Interpretation and Education Program

The AIP for Appendix H was approved by consensus as written.

Appendix I: Implementation of the Aesthetics Management Plan

The AIP for Appendix I was approved by consensus as written.

Appendix J: Implementation of the Wildlife, Botanical and Wetland management Plan

The AIP for Appendix J was approved by consensus as written.

Appendix K: Wildlife Habitat Acquisition, Enhancement and Management Program

The AIP for Appendix K was approved by consensus as written.

Appendix L: Back Cottonwood Habitat Protection and Enhancement

The AIP for Appendix L was approved by consensus as written.

Appendix M: Wetland Protection and Enhancement Program

The AIP for Appendix M was approved by consensus as written.

Appendix P: Timber Habitat Protection and Enhancement

The AIP for Appendix P was approved by consensus as written.

Appendix Q: Reservoir Island Protection

The AIP for Appendix Q was approved by consensus as written.

Appendix S: Erosion Fund and Shoreline Stabilization Guidelines Program

The AIP for Appendix S was approved by consensus as written.

Other Business

The fall WRTAC and TRTAC meetings are scheduled for September 11th and 12th. The fall MC meeting will occur on September 25-26, 2018.

Hall thanked everyone for participating and adjourned the meeting at 2:15 pm.

